

Notice of Allowability	Application No.	Applicant(s)	
	09/847,567	BALACHANDRAN ET AL.	
	Examiner	Art Unit	
	Michael J. Moore, Jr.	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 9/14/2005.
2. The allowed claim(s) is/are 1-16, 18-22, 25 and 26 (renumbered 1-23, respectively).
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Allowable Subject Matter

1. Claims **1-16, 18-22, 25, and 26** (renumbered 1-23, respectively) are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, *Zhang et al. (U.S. 2002/0054578)* teaches a delay-bounded ARQ method where if a packet does not arrive after a certain time interval, it gives up and passes the loss to higher layers.

Zhang et al. also describes how the delay-bounded ARQ method factors in delay that is limited by frame rate in order to determine a maximum number of transmissions of a particular packet on page 12, paragraph 182.

Zhang et al. also describes how a maximum number of transmissions of a certain packet is related to a data rate for the packet transmission on page 10, paragraph 164.

Zhang et al. also describes how packets are segmented into small RLC frames (blocks) and different retransmission policies are adopted for different RLC modes on page 8, paragraph 139.

Zhang et al. also describes how the RLC will abort a retransmission attempt after a number of unsuccessful retransmissions and pass the frame to the UDP of the Transport layer.

Zhang et al. fails to teach determining a "play out time" for each RLC block as a function of block size, play out rate, and allowed delay for each transmission.

Regarding claims **2-12, 25, and 26**, these claims are further limiting to claim 1 and are thus also allowable over the prior art of record.

Regarding *amended* claims **13-16 and 18-22**, these claims are now allowable for the reasons indicated in the previous Office Action pertaining to now cancelled claim **17**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments with respect to claims **1 and 3** have been fully considered and are persuasive. The rejections of these claims have been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Moore, Jr.
Examiner
Art Unit 2666

mjm MM

Seema S. Rao
SEEMA S. RAO 11/28/05
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600